

ORDINANCE NO. A02-3

WHEREAS, the Commissioners of Bridgeville are desirous of establishing an ordinance allowing the Commissions of Bridgeville to approve certain conditional uses of property located in the Town of Bridgeville.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE
COMMISSIONERS OF BRIDGEVILLE OF THE TOWN OF BRIDGEVILLE;

Section 1. Purpose. The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character, temporary in nature and are essential and desirable for the general convenience and welfare, but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact, not only on neighboring properties but on a large section of the Town, require the exercise of planing judgment on location and site plan.

Section 2. Conditional Use Enumerated. The Following buildings, structures and uses shall be approved by the Commissioners of Bridgeville as conditional uses in any district from which they are prohibited, except as otherwise provided, in accordance with the procedures and standards of this article, provided that the location is appropriate and that the public health, safety, orals and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, that they do not contribute to the traffic problem on congested roads and that necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values, and further provided that the applicant for such conditional use complies with the additional standards of this article. Unless otherwise specified in this article or specified as a condition of approval, the parking requirments, height limits, yard spaces, lot area and sign requirements shall be the same as for other uses in the district which the conditional use is located.

- (1) Bus terminals requiring no additional buildings or facilities.
- (2) Cemeteries, including a crematorium if located at least 200 feet from the boundary of the cemetery and provided that:
 - (a) The minimum area of the cemetery shall be ten (10) acres, unless associated with a church or limited to use by a family.
 - (b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery.
- (3) Circus or carnival grounds, amusement parks or midways, permanent or for a temporary time period exceeding three days. The Town Manager or Town Commissioners may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.

- (4) Construction trailers and/or offices, provided that adequate parking and accesses are provided, for a period of one (1) year or less.
- (5) Drive-in theater, provided that such use:
 - (a) Shall be arranged with due care to avoid direct entrance on a major highway and that proper traffic safeguards are provided.
 - (b) Shall provide automobile storage facilities between the ticket gates and the access street equal to 25% of the theater capacity.
 - (c) Shall have no structure other than an enclosure fence within 50 feet of any site boundary line and shall have the theater screen located not less than 100 feet from any major highway, arterial street or property in a residential district and not facing such highway, street or property, unless the face of the screen is not visible therefrom because of natural or artificial barriers.
 - (d) Shall have individual car sound speakers, but low volume horns may supply sound to refreshment stands and other service areas, and may have accessory uses and structures incident to the theater operation, including refreshments stands and toilet facilities, provided that they serve only the patrons while within the theater enclosure.
- (6) Exposition centers or fairgrounds that are temporary in nature.
- (7) Heliports or helistops that are temporary in nature.
- (8) Hospitals and sanitariums, but not animal hospitals.
- (9) Institutions, educational or philanthropic, including museums, are galleries, and libraries.
- (10) Manufactured homes, provided that
 - (a) The manufactured home has a minimum width of twenty-four (24) feet; has vinyl, aluminum or lap siding and shingled roof.
 - (b) The manufactured home is located on a permanent foundation.
 - (c) The manufactured home is replacing a substandard home.
- (11) Parks or campground for mobile campers, tents, camp trailers, touring vans and the like, provided that:
 - (a) Access shall be from a public highway having a width of a least fifty (50) feet, that the number and location of access drives shall be controlled for the traffic safety and protection of surrounding properties, that no camping or trailer space shall be designed for direct access to a street outside the boundaries of the park and that the principal interior access drives shall be a least thirty (30) feet in width and maintained at least twenty (20) feet in width.
 - (b) The topography of the site shall be such as to facilitate rapid drainage and that adequate drainage facilities shall be provided.
 - (c) Every such area shall be at least four hundred (400) feet from any existing dwelling on property of other ownership and shall be at least one hundred (100) feet from any public road.
 - (d) Each campsite shall have an area of at least two thousand (2,000) square feet and a width of not less than forty (40) feet. The park will be surrounded by a landscaped space fifty (50) feet wide along all

- facilities shall include only meeting rooms and locker rooms. Games and building locations shall not be located within twenty-five (25) feet of the side lot lines nor within twenty-five (25) feet of the rear lot line.
- (b) Appropriate fencing and screening from abutting property of all outdoor activity area shall be required. If parking areas are outside this fencing, then appropriate screening of a least three and one-half (3 1/2) feet in height shall be constructed around parking area to protect adjoining property from headlights. The Town Commission may require the applicant to file with the Town Manger a performance bond during the period of construction, reconstruction or alteration, such bond to be sufficient to insure completion of landscaping and parking plans as submitted.
 - (c) Any pumps and filters which are located above ground shall be at least fifty (50) feet from abutting properties.
 - (d) Dispensing of food, beverages, candy and tobacco shall be from coin-operated machines only.
 - (e) All lights shall be shielded to reflect or direct light away from adjoining property.
 - (f) The required off-street parking shall be computed on the basis of one (1) space for each seventy (70) square feet of pool area. The parking layout and surfacing shall be approved by the Town Commission.

Section 3. Procedures; preliminary site plan required. A preliminary site plan complying with the requirements of Chapter 234, "Zoning;" Article IX, "Administration," #234-43 shall accompany an application for approval of a conditional use under this section, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood and surrounding properties. Procedures for approval of a conditional use and approval are the same as for the _____ Ordinance.

Section 4. Period of Validity of Approval. Approval of a conditional use under this section shall be valid for a period of one (1) year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said one-year period or unless an extension of time, not exceeding one year, is approved by the Planning and Zoning Commission, and for good cause shown, before the expiration of said one-year period. A maximum of two (2) one-year extension may be granted. However, the Town Commission shall not grant more than two such one-year extensions. Any conditional use shall expire upon abandonment or expiration of the use.

Section 5. Existing Conditional Uses. Any conditional use listed in Section 2 above legally existing at the effective date of the regulations of this section shall be considered a non-conforming use unless it has qualified as provided above and has been approved as a conditional use by the Commissioners of Bridgeville.

boundaries. The buffer strip shall remain free of any buildings or streets. No site shall be offered for sale or be sold.

- (e) Proper provisions shall be made for public water supply, toilets, and bathing facilities and electric connections.
- (f) Small retain businesses intended primarily for occupants of the park area shall be permitted within the park area. Grocery stores, automatic laundries, beauty shops and similar uses are appropriate.
- (g) Proper provision shall be made for refuse storage and collection subject at all times to Town regulations.
- (h) Each campground owner may provide one (1) accessory building on each campsite to be used for storage purposes only and which shall not be used for any purpose of human habitation. Each structure shall be no more than sixty-four (64) feet in area and shall be no higher than ten (10) feet. For each campground where these structures are approved, they shall be of uniform design and size and shall be uniformly placed on each campsite. The placement of the aforesaid structures and their design characteristics must be approve by the Town Commission prior to erection in any campground. This subsection shall be applicable to all conforming and nonconforming campgrounds.
- (i) With the exceptions of structures mentioned in Subsection 11(h) above, there shall be no other structure or mobile home (house trailer) located on any campsite within a campground. All units to be used for the purpose of human habitation shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes. For the purpose of a residence and /or office for the park manager, there may be one (1) structure or mobile home within the campground area.
- (12) Private clubs.
- (13) Public or governmental buildings or uses, including schools, parks, parkways, playgrounds and public boat landings.
- (14) Public utilities or public uses, buildings, generating of treatment plants, pumping or regulator stations or substations, but not telephone central offices.
- (15) Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment.
- (16) Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit.
- (17) Sports arenas or stadiums, commercial athletic fields or baseball parks.
- (18) Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops.
- (19) Swimming or tennis clubs, private, nonprofit or commercially operated, provided that:
 - (a) Facilities shall be limited to those for games and outdoor uses such as swimming pools, shuffleboard, croquet or tennis courts. Indoor

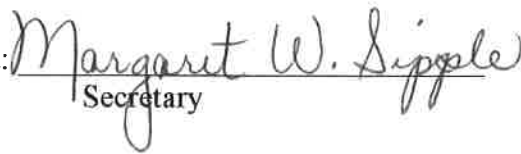
Section 6. Revocation of Permits. Permits issued under a conditional use approval maybe revoked by the Town Manager, or, in the absence of a Town Manager, by the Commissioners of Bridgeville, for failure to comply with the conditions of approval or with applicable federal agency, state agency, county agency and the Town of Bridgeville regulations.

Section 7. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members of the Town Commission present and voting.

TOWN OF BRIDGEVILLE

By: 
President

Adopted: 6/10/02

Attest: 
Secretary

Synopsis

This ordinance allows the Town of Bridgeville to provide for certain uses of property that would otherwise be prohibited because of the zoning district in which the property lies. The uses listed in the statute are conditional and only available upon approval by the Town Commission after the applicant submits an application that complies with the requirements of #234-43 including a preliminary site plan, to the Town Zoning Office.